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Attorneys for Defendants,
COUNTY OF SACRAMENTO

UNITED STATES COURT

EASTERN DISTRICT OF CALIFORNIA

**SACRAMENTO HOMELESS UNION, a
local of the CALIFORNIA HOMELESS
UNION/STATEWIDE ORGANIZING
COUNCIL, on behalf of itself and those it
represents; BETTY RIOS; DONTA
WILLIAMS; FALISHA SCOTT and all
those similarly situated,**

Plaintiffs,

vs.

**COUNTY OF SACRAMENTO, a political
subdivision of the State of California; CITY
OF SACRAMENTO, a municipal
corporation; and DOES 1-100,**

Defendants.

Case No. 2:22-CV-01095-KJM-KJN

**ANSWER OF DEFENDANT COUNTY OF
SACRAMENTO**

Defendant COUNTY OF SACRAMENTO (“Defendant”), answers the COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS UNDER 42 U.S.C. § 1983; 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION FOR ENDANGERING HOMELESS PERSONS DURING EXTREME HEAT (“Complaint”), filed by Plaintiffs SACRAMENTO HOMELESS UNION, a local of the CALIFORNIA HOMELESS UNION/STATEWIDE ORGANIZING

COUNCIL, on behalf of itself and those it represents; BETTY RIOS; DONTA WILLIAMS; FALISHA SCOTT, and all those similarly situated (collectively “Plaintiffs”):

1. Answering Paragraph 1, Defendant states that this paragraph consists of Plaintiffs’ legal argument and characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal provisions for a full and fair statement of their terms, and Defendant denies any and all allegations contained therein.

2. Answering Paragraph 2, Defendant states that this paragraph consists of Plaintiffs’ legal argument and/or legal conclusions, to which no response is required. To the extent that a response is deemed required, Defendant denies any and all allegations contained therein.

3. Answering Paragraph 3, Defendant lacks sufficient information or belief to respond to the allegations, and on that basis, denies each and every allegation contained therein.

4. Answering Paragraph 4, Defendant lacks sufficient information or belief to respond to the allegations relating to Defendant City of Sacramento, and on that basis, denies each and every allegation contained therein. Defendant also denies all other allegations contained therein.

5. Answering Paragraph 5, Defendant states that this paragraph consists of Plaintiffs’ legal argument and characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal provisions for a full and fair statement of their terms, and Defendant denies any and all allegations contained therein.

6. Answering Paragraph 6, Defendant lacks sufficient information or belief to respond to the allegations, and on that basis, denies each and every allegation contained therein.

7. Answering Paragraph 7, Defendant admits that the Defendant’s correspondence to Plaintiffs’ counsel, dated June 22, 2022 and transmitted via email at 11:59 a.m. that same day included the following statement: “According to the National Weather Service, the type of heat the County is experiencing is moderate and can be considered to be normal climate conditions that occur seasonally.” Defendant lacks sufficient information or believe to respond to the other

1 allegations contained therein, and on that basis, denies each and every allegation contained
2 therein.

3 8. Answering Paragraph 8, Defendant lacks sufficient information or belief to respond to the
4 allegations, and on that basis, denies each and every allegation contained therein.

5 9. Answering Paragraph 9, Defendant lacks sufficient information or belief to respond to the
6 allegations, and on that basis, denies each and every allegation contained therein.

7 10. Answering Paragraph 10, Defendant lacks sufficient information or belief to respond to
8 the allegations, and on that basis, denies each and every allegation contained therein.

9 **JURISDICTION AND VENUE**

10 11. Answering Paragraph 11, Defendant states that this paragraph consists of Plaintiffs' legal
11 argument, to which no response is required. To the extent that a response is deemed required,
12 Defendant denies any and all allegations contained therein.

13 **PARTIES**

14 12. Answering Paragraph 12, Defendant lacks sufficient information or belief to respond to
15 the allegations, and on that basis, denies each and every allegation contained therein.

16 13. Answering Paragraph 13, Defendant lacks sufficient information or belief to respond to
17 the allegations, and on that basis, denies each and every allegation contained therein.

18 14. Answering Paragraph 14, Defendant lacks sufficient information or belief to respond to
19 the allegations, and on that basis, denies each and every allegation contained therein.

20 15. Answering Paragraph 15, Defendant lacks sufficient information or belief to respond to
21 the allegations, and on that basis, denies each and every allegation contained therein.

22 16. Answering Paragraph 16, Defendant lacks sufficient information or belief to respond to
23 the allegations, and on that basis, denies each and every allegation contained therein.

24 17. Answering Paragraph 17, Defendant lacks sufficient information or belief to respond to
25 the allegations, and on that basis, denies each and every allegation contained therein.

26 18. Answering Paragraph 18, Defendant admits this allegation.

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MEMORANDUM OF POINTS AND AUTHORITIES

19. Answering Paragraph 19, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or legal conclusions, to which no response is required. To the extent that a response is deemed required, Defendant denies any and all allegations contained therein.

20. Answering Paragraph 20, Defendant states that this paragraph consists of Plaintiffs' legal argument, to which no response is required. To the extent that a response is deemed required, Defendant denies any and all allegations contained therein.

21. Answering Paragraph 21, Defendant states that this paragraph consists of Plaintiffs' legal argument, to which no response is required. To the extent that a response is deemed required, Defendant denies any and all allegations contained therein.

STANDARD OF REVIEW

22. Answering Paragraph 22, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal provisions for a full and fair statement of their terms, and Defendant denies any and all allegations contained therein.

23. Answering Paragraph 23, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal provisions for a full and fair statement of their terms, and Defendant denies any and all allegations contained therein.

24. Answering Paragraph 24, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal provisions for a full and fair statement of their terms, and Defendant denies any and all allegations contained therein.

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1 25. Answering Paragraph 25, Defendant states that this paragraph consists of Plaintiffs' legal
2 argument and/or characterization of legal provisions, to which no response is required. To the
3 extent that a response is deemed required, the Court is respectfully referred to the cited legal
4 provisions for a full and fair statement of their terms, and Defendant denies any and all
5 allegations contained therein.

6 26. Answering Paragraph 26, Defendant states that this paragraph consists of Plaintiffs' legal
7 argument and/or characterization of legal provisions, to which no response is required. To the
8 extent that a response is deemed required, the Court is respectfully referred to the cited legal
9 provisions for a full and fair statement of their terms, and Defendant denies any and all
10 allegations contained therein.

11 27. Answering Paragraph 27, Defendant states that this paragraph consists of Plaintiffs' legal
12 argument and/or characterization of legal provisions, to which no response is required. To the
13 extent that a response is deemed required, the Court is respectfully referred to the cited legal
14 provisions for a full and fair statement of their terms, and Defendant denies any and all
15 allegations contained therein.

16 28. Answering Paragraph 28, Defendant states that this paragraph consists of Plaintiffs' legal
17 argument and/or characterization of legal provisions, to which no response is required. To the
18 extent that a response is deemed required, the Court is respectfully referred to the cited legal
19 provisions for a full and fair statement of their terms, and Defendant denies any and all
20 allegations contained therein.

21 29. Answering Paragraph 29, Defendant states that this paragraph consists of Plaintiffs' legal
22 argument and/or characterization of legal provisions, to which no response is required. To the
23 extent that a response is deemed required, the Court is respectfully referred to the cited legal
24 provisions for a full and fair statement of their terms, and Defendant denies any and all
25 allegations contained therein.

26 30. Answering Paragraph 30, Defendant states that this paragraph consists of Plaintiffs' legal
27 argument and/or characterization of legal provisions, to which no response is required. To the
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1 extent that a response is deemed required, the Court is respectfully referred to the cited legal
2 provisions for a full and fair statement of their terms, and Defendant denies any and all
3 allegations contained therein.

4 31. Answering Paragraph 31, Defendant states that this paragraph consists of Plaintiffs' legal
5 argument and/or characterization of legal provisions, to which no response is required. To the
6 extent that a response is deemed required, the Court is respectfully referred to the cited legal
7 provisions for a full and fair statement of their terms, and Defendant denies any and all
8 allegations contained therein.

9 32. Answering Paragraph 32, Defendant states that this paragraph consists of Plaintiffs' legal
10 argument and/or characterization of legal provisions, to which no response is required. To the
11 extent that a response is deemed required, the Court is respectfully referred to the cited legal
12 provisions for a full and fair statement of their terms, and Defendant denies any and all
13 allegations contained therein.

14 33. Answering Paragraph 33, Defendant lacks sufficient information or belief to respond to
15 the allegations, and on that basis, denies each and every allegation contained therein.

16 34. Answering Paragraph 34, Defendant states that this paragraph consists of Plaintiffs' legal
17 argument and/or conclusions, to which no response is required. To the extent that a response is
18 deemed required, Defendant denies any and all allegations contained therein.

19 35. Answering Paragraph 35, Defendant states that this paragraph consists of Plaintiffs' legal
20 argument and/or conclusions, to which no response is required. To the extent that a response is
21 deemed required, Defendant denies any and all allegations contained therein.

22 **FIRST CLAIM FOR RELIEF**

23 36. Answering Paragraph 36, Defendant hereby incorporates its responses to paragraphs 1
24 through 35 set forth above as though fully set forth here.

25 37. Answering Paragraph 37, Defendant states that this paragraph consists of Plaintiffs' legal
26 argument and/or characterization of legal provisions, to which no response is required. To the
27 extent that a response is deemed required, the Court is respectfully referred to the cited legal
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1 provisions for a full and fair statement of their terms, and Defendant denies any and all
2 allegations contained therein.

3 38. Answering Paragraph 38, Defendant states that this paragraph consists of Plaintiffs' legal
4 argument and/or characterization of legal provisions, to which no response is required. To the
5 extent that a response is deemed required, the Court is respectfully referred to the cited legal
6 provisions for a full and fair statement of their terms, and Defendant denies any and all
7 allegations contained therein.

8 39. Answering Paragraph 39, Defendant states that this paragraph consists of Plaintiffs' legal
9 argument and/or conclusions, to which no response is required. To the extent that a response is
10 deemed required, Defendant denies any and all allegations contained therein.

11 40. Answering Paragraph 40, Defendant denies the allegations contained therein.

12 41. Answering Paragraph 41, Defendant states that this paragraph consists of Plaintiffs' legal
13 argument and/or conclusions, to which no response is required. To the extent that a response is
14 deemed required, Defendant denies any and all allegations contained therein.

15 **SECOND CLAIM FOR RELIEF**

16 42. Answering Paragraph 42, Defendant hereby incorporates its responses to paragraphs 1
17 through 41 set forth above as though fully set forth here.

18 43. Answering Paragraph 43, Defendant states that this paragraph consists of Plaintiffs' legal
19 argument and/or characterization of legal provisions, to which no response is required. To the
20 extent that a response is deemed required, the Court is respectfully referred to the cited legal
21 provisions for a full and fair statement of their terms, and Defendant denies any and all
22 allegations contained therein.

23 44. Answering Paragraph 44, Defendant states that this paragraph consists of Plaintiffs' legal
24 argument and/or conclusions, to which no response is required. To the extent that a response is
25 deemed required, Defendant denies any and all allegations contained therein.

26 45. Answering Paragraph 40, Defendant denies the allegations contained therein.
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THIRD CLAIM FOR RELIEF

46. Answering Paragraph 46, Defendant hereby incorporates its responses to paragraphs 1 through 45 set forth above as though fully set forth here.

47. Answering Paragraph 47, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal provisions for a full and fair statement of their terms, and Defendant denies any and all allegations contained therein.

48. Answering Paragraph 48, Defendant denies the allegations contained therein.

FOURTH CLAIM FOR RELIEF

49. Answering Paragraph 49, Defendant hereby incorporates its responses to paragraphs 1 through 48 set forth above as though fully set forth here.

50. Answering Paragraph 50, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal provisions for a full and fair statement of their terms, and Defendant denies any and all allegations contained therein.

51. Answering Paragraph 51, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or legal conclusions, to which no response is required. To the extent that a response is deemed required, Defendant denies any and all allegations contained therein.

FIFTH CLAIM FOR RELIEF

52. Answering Paragraph 52, Defendant hereby incorporates its responses to paragraphs 1 through 51 set forth above as though fully set forth here.

53. Answering Paragraph 53, Defendant states that this paragraph consists of Plaintiffs' legal argument and/or characterization of legal provisions, to which no response is required. To the extent that a response is deemed required, the Court is respectfully referred to the cited legal

1 provisions for a full and fair statement of their terms, and Defendant denies any and all
2 allegations contained therein.

3 54. Answering Paragraph 54, Defendant denies the allegations contained therein.

4 55. Answering Paragraph 55, Defendant hereby incorporates its responses to paragraphs 1
5 through 54 set forth above as though fully set forth here. Defendant further states that this
6 paragraph consists of Plaintiffs' legal argument and/or legal conclusions, to which no response is
7 required. To the extent that a response is deemed required, Defendant denies any and all
8 allegations contained therein.

9 **AFFIRMATIVE DEFENSES**

10 In addition, without admitting any allegations contained in the Complaint, Defendant alleges
11 the following separate and distinct affirmative defenses:

12 **FIRST AFFIRMATIVE DEFENSE**

13 (Failure to State a Cause of Action)

14 The Complaint, and each and every claim for relief alleged therein, fails to state facts
15 sufficient to constitute a cause of action.

16 **SECOND AFFIRMATIVE DEFENSE**

17 (Statute of Limitations)

18 The Complaint, and each and every claim for relief alleged therein, is barred by the
19 applicable statute of limitations.

20 **THIRD AFFIRMATIVE DEFENSE**

21 (Tort Claims Act)

22 Plaintiffs' claims for relief are barred for failure to comply with the California Tort Claims Act.

23 **FOURTH AFFIRMATIVE DEFENSE**

24 (Comparative Fault of Plaintiffs)

25 Plaintiffs are completely or partially barred from recovery because their sole or partial
26 negligence was the proximate cause of the acts and events alleged in the Complaint.

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FIFTH AFFIRMATIVE DEFENSE

(Comparative Fault of Third Parties)

Plaintiffs are completely or partially barred from recovery because the sole or partial negligence of third parties was the proximate cause of the acts and events alleged in the Complaint.

SIXTH AFFIRMATIVE DEFENSE

(Assumption of Risk)

Plaintiffs knew about the risk, and voluntarily undertook the risk that led to the injuries and/or damage alleged in the Complaint.

SEVENTH AFFIRMATIVE DEFENSE

(Good Faith)

All acts or omissions by Defendant, its agents, employees or representatives were performed fairly, in good faith and for a lawful purpose, and were reasonable and justified.

EIGHTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

Plaintiffs failed and refused to mitigate their damages, if any there were, although they had an opportunity to do so.

NINTH AFFIRMATIVE DEFENSE

(Lack of Standing)

Plaintiff Sacramento Homeless Union, a local of the California Homeless Union/Statewide Organizing Council, has failed to demonstrate that they have individual or representational standing.

TENTH AFFIRMATIVE DEFENSE

(Governmental Immunity)

The acts or omissions alleged in the Complaint fall within the immunities and defenses described in section 800 through 995 of the California Government Code, including but not

1 limited to, sections 815.2, 818.8, 820.2, 821.2, 822.2, 830.2, 831, 831.2, 835.4, 840.2, 840.4, and
2 840.6.

3 WHEREFORE, Defendant requests:

- 4 1. That the Complaint be denied and Plaintiffs take nothing;
5 2. That the Court enter judgment for Defendant;
6 3. Defendant be awarded costs of suit and reasonable attorney's fees; and
7 4. For such other and further relief as the Court may deem just and proper.

8 DATED: _____ LISA A. TRAVIS, County Counsel
9 Sacramento County, California

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11 By: /s/ Leticia Ramirez
12 Leticia Ramirez
13 Deputy County Counsel
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